

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS**

CASE NO.: 7:25-cv-3957

AFFORDABLE AERIAL PHOTOGRAPHY,
INC.,

Plaintiff,
v.

TOWNSQUARE MEDIA INC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff AFFORDABLE AERIAL PHOTOGRAPHY, INC., by and through its undersigned counsel, brings this Complaint against Defendant TOWNSQUARE MEDIA INC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff AFFORDABLE AERIAL PHOTOGRAPHY, INC. (“AAP”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute AAP’s original copyrighted Works of authorship.

2. Robert Stevens, owner of Affordable Aerial Photography, Inc., is a high-end real estate photographer who makes his living photographing million dollar homes for real estate agents. Stevens is an employee of his company, AAP, which provides photo shoots to a client’s specifications. Stevens is self-taught, but his photographs rival those taken by photographers who charge thousands more. AAP licenses its photos to agents pursuant to a written license. The license is granted only to the agent for whom the photos were taken.

SRIPLAW

CALIFORNIA ♦ FLORIDA ♦ GEORGIA ♦ INDIANA ♦ NEW YORK ♦ TENNESSEE ♦ TEXAS

3. Defendant TOWNSQUARE MEDIA INC (“Townsquare”) is a media and entertainment company that operates radio stations, digital platforms, and live events, primarily in smaller and mid-sized U.S. markets. Their assets include radio stations, websites, a streaming radio app, and live events, all focused on providing local content and connecting with audiences in those communities.

4. At all times relevant herein, Townsquare owned and operated the internet website URLs including, but not limited to (hereinafter the “Websites”):

- a. <https://townsquare.media/site/204/files/2023/08/attachment-Nick-Saban-Florida-Beach-House.jpg?w=980&q=75>
- b. <https://popcrush.com/coach-nick-saban-florida-beach-house-pictures/>
- c. <https://danburycountry.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
- d. <https://classicrock1051.com/ixp/29/p/nick-saban-home-in-florida/>
- e. <https://cmh23.com/look-inside-alabama-coach-nick-sabans-17-5m-florida-beach-house/>
- f. <https://kpel965.com/look-inside-alabama-football-coach-nick-sabans-17-5m-florida-beach-house-pictures/>
- g. <https://knue.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
- h. <https://newstalk1290.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
- i. <https://tuscaloosathread.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>

- j. <https://krfotfm.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
- k. <https://973thedawg.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>

5. AAP alleges that Townsquare copied AAP's copyrighted Works from the internet and posted them on the above-mentioned Websites in order to advertise, market and promote its news media and entertainment business. Townsquare committed violations alleged in connection with Defendant's news media and entertainment business for purposes of advertising and promoting sales to the public.

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.
7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).
8. Townsquare is subject to personal jurisdiction in New York.
9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Townsquare engaged in infringement in this district, Townsquare resides in this district, and Townsquare is subject to personal jurisdiction in this district.

DEFENDANT

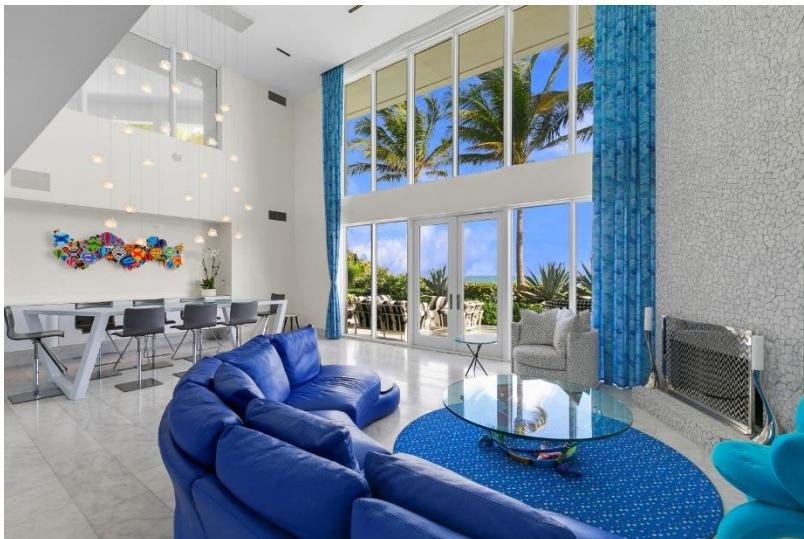
10. Townsquare Media Inc is a news and media organization, with its principal place of business at 1 Manhattanville Road, Suite 202, Purchase, New York, 10577 and can be served by serving the Secretary of State as an Agent at 1 Manhattanville Road, Suite 202, Purchase, NY 10577.

THE COPYRIGHTED WORKS AT ISSUE

11. In 2022, AAP created the photograph(s) entitled “619 South Beach Rd_005,” “619 South Beach Rd_015,” “619 South Beach Rd_044,” and “619 South Beach Rd_078,” which is shown below and referred to herein as the “Works”.



“619 South Beach Rd_005”



“619 South Beach Rd_015”



“619 South Beach Rd_044”



“619 South Beach Rd_078”

12. AAP registered the Works with the Register of Copyrights as part of a group registration on March 29, 2022. That registration, which included the Works, was assigned registration number VA 2-297-479. The Certificate of Registration is attached hereto as **Exhibit 1.**

13. At all relevant times AAP was the owner of the copyrighted Works at issue in this case.

INFRINGEMENT BY TOWNSQUARE

14. Townsquare has never been licensed to use the Works at issue in this action for any purpose.

15. On a date after the Works at issue in this action was created, but prior to the filing of this action, Townsquare copied the Works.

16. On or about January 12, 2024, AAP discovered the unauthorized use of its Works on the Websites.

17. Townsquare copied AAP's copyrighted Works without AAP's permission.

18. After Townsquare copied the Works, it made further copies and distributed the Works on the internet to promote the sale of goods and services as part of its media and entertainment business.

19. Townsquare copied and distributed AAP's copyrighted Works in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Townsquare committed copyright infringement of the Works as evidenced by the documents attached hereto as **Exhibit 2**.

21. AAP never gave Townsquare permission or authority to copy, distribute or display the Works at issue in this case.

22. AAP notified Townsquare of the allegations set forth herein on April 3, 2024 and April 30, 2024. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

23. AAP incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. AAP owns a valid copyright in the Works at issue in this case.
25. AAP registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).
26. Townsquare copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without AAP's authorization in violation of 17 U.S.C. § 501.
27. Townsquare performed the acts alleged in the course and scope of its business activities.
28. Defendant's acts were willful.
29. AAP has been damaged.
30. The harm caused to AAP has been irreparable.

COUNT II

FALSE COPYRIGHT MANAGEMENT INFORMATION ADDED AND DISTRIBUTED

31. AAP incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.
32. The Works at issue in this case did not contain copyright management information (“CMI”) listed on the originals.
33. Townsquare knowingly and with the intent to enable or facilitate copyright infringement, added false CMI to the Works and distributed the Works at issue with that false CMI this action in violation of 17 U.S.C. § 1202(a)(1) and 1202(a)(2).
34. Townsquare added false credit on the above-mentioned Websites with the incorrect CMI “Christian Peterson, Getty Images” / “The Corcoran Group/Redtin” and “Twitter” listed on the Works as illustrated in **Exhibit 2**.
35. Townsquare distributed the Works with that false CMI on the following Websites:
 - a. <https://popcrush.com/coach-nick-saban-florida-beach-house-pictures/>

- i. False CMI: “Christian Petersen, Getty Images / The Corcoran Group/Redfin.”
- b. <https://kpel965.com/look-inside-alabama-football-coach-nick-sabans-17-5m-florida-beach-house-pictures/>.
 - i. False CMI: “Christian Petersen, Getty Images / The Corcoran Group/Redfin.”
- c. <https://knue.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
 - i. False CMI: “Christian Petersen, Getty Images / The Corcoran Group/Redfin.”
- d. <https://newstalk1290.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
 - i. False CMI: “Christian Petersen, Getty Images / The Corcoran Group/Redfin.”
- e. <https://krfotfm.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
 - i. False CMI: “Christian Petersen, Getty Images / The Corcoran Group/Redfin.”
- f. <https://973thedawg.com/ixp/204/p/nick-saban-florida-beach-house-mansion-estate-pictures/>
 - i. False CMI: “Christian Petersen, Getty Images / The Corcoran Group/Redfin.”
- g. <https://classicrock1051.com/ixp/29/p/nick-saban-home-in-florida/>

i. Four (4) of the Works with the false CMI: "Twitter."

36. Townsquare committed these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of AAP's rights in the Works at issue in this action protected under the Copyright Act.

37. Townsquare caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of AAP's rights in the Work at issue in this action protected under the Copyright Act.

38. AAP has been damaged.

39. The harm caused to AAP has been irreparable.

WHEREFORE, the Plaintiff AFFORDABLE AERIAL PHOTOGRAPHY, INC. prays for judgment against the Defendant TOWNSQUARE MEDIA INC that:

- a. Townsquare and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;
- b. Townsquare be required to pay AAP its actual damages and Defendant's profits attributable to the infringement, or, at AAP's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;
- c. AAP be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. AAP be awarded pre- and post-judgment interest; and
- e. AAP be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

AAP hereby demands a trial by jury of all issues so triable.

Dated: May 12, 2025

Respectfully submitted,

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